

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 868

Introduced by Assembly Member Parra

February 20, 2003

An act to amend Section 50710.1 of the Health and Safety Code, relating to migrant farm labor centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 868, as amended, Parra. Migrant farm labor centers.

Existing law authorizes the Department of Housing and Community Development to contract with local public and private nonprofit agencies to provide housing services, including shelter, education, sanitation, and day care services for migratory agricultural workers, through the development, construction, reconstruction, rehabilitation, or operation of a migrant farm labor center.

Existing law also authorizes, after approval by the department, the operation of a migrant farm labor center for an extended period beyond 180 days if specified conditions are met, including a requirement that households representing at least 25% of the units in the center have signed a petition to the local entity to keep the center open at specified rent levels.

This bill would instead authorize the operation of a migrant farm labor center for an extended period beyond 180 days if the local entity operating the center makes specified determinations and if specified conditions are met.

~~Existing law authorizes migrant farm labor centers to operate for an extended period beyond 180 days if specified conditions are met.~~

~~This bill would declare the intent of the Legislature to enact legislation that would improve the process by which the time limit may be extended.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. The Legislature finds and declares:~~

SECTION 1. *It is the intent of the Legislature, by amending subdivision (c) of Section 50710.1 of the Health and Safety Code, to do all of the following:*

(a) Provide a method of improving, upgrading, and increasing the seasonal utilization of migrant farm labor centers while recognizing the variety of different conditions that prevail at the centers and the fiscal constraints currently on the state.

(b) Give greater flexibility to the local entities that operate the migrant farm labor centers to increase seasonal utilization as appropriate.

(c) Increase the ability to access funding for improvements.

(d) Improve the housing conditions for farmworkers in the area served by the migrant farm labor centers.

SEC. 2. *Section 50710.1 of the Health and Safety Code is amended to read:*

50710.1. (a) If all the development costs of any migrant farm labor center assisted pursuant to this chapter are provided by federal, state, or local grants, and if inadequate funds are available from any federal, state, or local service to write-down operating costs, the department may approve rents for that center which are in excess of rents charged in other centers assisted by the Office of Migrant Services. However, prior to approving these rents, the department shall consider the adequacy of evidence presented by the entity operating the center that the rents reimburse actual, reasonable, and necessary costs of operation.

(b) At the end of each fiscal year, any entity operating a migrant farm labor center pursuant to this chapter may establish a reserve account comprised of the excess funds provided through the annual operating contract received from the department, if the department certifies there is no need to address reasonable general maintenance requirements or repairs, rehabilitation, and

1 replacement needs of the requesting migrant farm labor center
2 which affect the immediate health and safety of residents. The
3 cumulative balance of the reserve account shall not exceed 10
4 percent of the annual operating funds annually committed to the
5 entity by the department. Funds in the reserve account shall be
6 used only for capital improvements such as replacing or repairing
7 structural elements, furniture, fixtures, or equipment of the
8 migrant farm labor center, the replacement or repair of which are
9 reasonably required to preserve the migrant farm labor center.
10 Withdrawals from the reserve account shall be made only upon the
11 written approval of the department of the amount and nature of
12 expenditures.

13 (c) A migrant farm labor center governed by this chapter may
14 be operated for an extended period beyond 180 days ~~after approval~~
15 ~~by the department, provided that all of the following conditions are~~
16 ~~satisfied:~~ *if the local entity operating the center determines that the*
17 *extended operating period is feasible and appropriate based on the*
18 *structural and physical condition of the center, whether local*
19 *approvals are required, whether the structures will be habitable*
20 *considering the climate, the water and sewage capacity of the*
21 *center, the costs of operation and the availability of funding, and*
22 *the health and safety of farmworkers compared to other housing*
23 *alternatives that might be available. In addition to this*
24 *determination, all of the following conditions shall be met:*

25 (1) No additional subsidies provided by the department are
26 used for the operation or administration of the migrant farm center
27 during the extended occupancy period except to the extent that
28 state funds are appropriated or authorized for the purpose of
29 funding all or part of the cost of subsidizing extended occupancy
30 ~~periods during the first 14 days only.~~

31 (2) Rents are not to be increased above the rents charged during
32 the period immediately prior to the extended occupancy period
33 ~~unless the department~~ *local entity* finds that an increase is
34 necessary to cover the difference between reasonable operating
35 costs necessary to keep the center open during the extended
36 occupancy period and the amount of state funds available pursuant
37 to paragraph (1) and any contributions from agricultural
38 employers or other federal, local, or private sources. These
39 contributions shall not be used to reduce the amount of state funds

1 that otherwise would be made available to the center to subsidize
2 rents during an extended occupancy period.

3 (3) In no event shall the rent during the extended occupancy
4 period exceed the average daily operating cost of the center, less
5 any subsidy funds available pursuant to paragraph (1) or (2).
6 ~~Households representing at least 25 percent of the units in the~~
7 ~~center shall have indicated their desire and intention to remain in~~
8 ~~residency during an extended occupancy period by signing a~~
9 ~~petition to the local entity to keep the center open for an extended~~
10 ~~period at rents that are the same or higher than rents during the~~
11 ~~regular period of occupancy. Each household shall receive a clear~~
12 ~~bilingual notice describing the extended occupancy options~~
13 ~~attached to the lease.~~

14 The Legislature finds and declares that because the number of
15 residents may be substantially reduced during the extended
16 occupancy period, a rent increase may be necessary to cover
17 operating costs. It is the intent of the Legislature that the public
18 sector, private sector, and farmworkers should each play an
19 important role in ensuring the financial viability of this important
20 source of needed housing.

21 (4) ~~An extended occupancy period is requested by an entity~~
22 ~~operating the migrant farm labor center and received by the~~
23 ~~department no earlier than 30 days and no later than 15 days prior~~
24 ~~to the center's scheduled closing date. The department shall notify~~
25 ~~the entity and petitioning residents of the final decision no later~~
26 ~~than seven days prior to the center's scheduled closing date.~~
27 ~~During the extended occupancy period, occupancy shall be limited~~
28 ~~to migrant farmworkers and their families who resided at a migrant~~
29 ~~center during the regular period of occupancy. The local entity~~
30 ~~notifies the department of its intent to expand the operating season,~~
31 ~~including earlier opening and later closing.~~

32 (5) ~~Before approving or denying an extension and establishing~~
33 ~~the rents for the extended occupancy period, both of which shall~~
34 ~~be within the sole discretion of the department, the department~~
35 ~~shall take into consideration all of the following factors:~~

36 (A) ~~The structural and physical condition of the center,~~
37 ~~including water and sewer pond capacity and the capacity and~~
38 ~~willingness of the local entity to operate the center during the~~
39 ~~extended occupancy period.~~

1 ~~(B) Whether local approvals are required, and whether there~~
2 ~~are competing demands for the use of the center's facilities.~~

3 ~~(C) Whether there is adequate documentation that there is a~~
4 ~~need for residents of the migrant center to continue work in the~~
5 ~~area, as confirmed by the local entity.~~

6 ~~(D) The climate during the extended occupancy period.~~

7 ~~(E) The amount of subsidy funds available that can be allocated~~
8 ~~to each center to subsidize rents below the operating costs and the~~
9 ~~cost of operating each center during the extended occupancy~~
10 ~~period.~~

11 ~~(F) The extended occupancy period is deemed necessary for~~
12 ~~the health and safety of the migrant farmworkers and their~~
13 ~~families.~~

14 ~~(G) Other relevant factors affecting the migrant farmworkers~~
15 ~~and their families and the operation of the centers~~ *To the extent that*
16 *the local agency has expended funds or raised funds from other*
17 *sources, it may retain any funds received over the amount*
18 *expended by the state for the purpose of improving the housing or*
19 *continuing to extend its term of occupancy.*

20 ~~(6) The rents collected during the extended occupancy period~~
21 ~~shall be remitted to the department. However, based on financial~~
22 ~~records to the satisfaction of the department, the department may~~
23 ~~reduce the amount to be remitted by an amount it determines the~~
24 ~~local entity has expended during the extended occupancy period~~
25 ~~that is not being reimbursed by department funds.~~

26 ~~(7) The occupancy during the extended occupancy period~~
27 ~~represents a new tenancy and is not subject to existing and~~
28 ~~statutory and regulatory limitations governing rents. Prior to the~~
29 ~~beginning of the extended occupancy period, residents shall be~~
30 ~~provided at least two days' advance written notice of ~~any~~ the rent~~
31 ~~increase levels and of the expected length of the extended~~
32 ~~occupancy period, including the scheduled date of *opening or*~~
33 ~~closure of the center, and prior to being eligible for residency~~
34 ~~during the extended occupancy period, residents shall sign rental~~
35 ~~documents deemed necessary by the ~~department~~ local entity.~~

36 (d) The Legislature finds and declares that variable annual
37 climates and changing agricultural techniques create an inability
38 to accurately predict the *beginning or* end of a harvest season for
39 the purposes of housing migrant farmworkers and their families.
40 Because of these factors, in any part of this state, and in any

1 specific year, one or more migrant farmworker housing centers
2 governed by this chapter need to *open early or* remain open ~~for up~~
3 ~~to two additional weeks~~ to allow the residents to provide critical
4 assistance to growers in harvesting crops while also fulfilling work
5 expectations that encouraged them to migrate to the areas of the
6 centers. In addition, if the centers close prematurely *or open late*,
7 the migrant farmworkers often must *reside or* remain in the areas
8 to work ~~for up to two weeks~~. During this time they will not be able
9 to obtain decent, safe, and affordable housing and the health and
10 safety of their families and the surrounding community will be
11 threatened.

12 The Legislature therefore finds and declares that, for the
13 purposes of any public or private right, obligation, or authorization
14 related to the use of property and improvements thereon as a
15 180-day migrant center, an extended use of any housing center
16 governed by this chapter pursuant to this section is deemed to be
17 the same as the 180-day use generally authorized by this chapter.

18 ~~(a) The limited ability to extend the 180-day limit on~~
19 ~~occupancy of migrant farm labor centers pursuant to Section~~
20 ~~50710.1 of the Health and Safety Code, benefits neither migrant~~
21 ~~agricultural workers nor growers who need access to those~~
22 ~~workers.~~

23 ~~(b) The requirements enumerated in that section are~~
24 ~~unnecessarily complex and restrictive, and are in need of~~
25 ~~streamlining.~~

26 ~~(c) Therefore, it is the intent of the Legislature to enact~~
27 ~~legislation to amend that section so as to streamline and improve~~
28 ~~the process by which the limit on occupancy of migrant farm labor~~
29 ~~centers can be extended so as to assure continued housing for~~
30 ~~agricultural workers and their families.~~